

1 NICOLA T. HANNA  
2 United States Attorney  
3 LAWRENCE S. MIDDLETON  
4 Assistant United States Attorney  
5 Chief, Criminal Division  
6 DIANA L. PAULI (Cal. Bar No. 150289)  
7 Assistant United States Attorney  
8 OCDETF Section  
9 1400 United States Courthouse  
10 312 North Spring Street  
11 Los Angeles, California 90012  
12 Telephone: (213) 894-3899  
13 Facsimile: (213) 894-0142  
14 E-mail: diana.pauli@usdoj.gov

15 Attorneys for Applicant  
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 IN THE MATTER OF THE APPLICATION  
20 OF THE UNITED STATES OF AMERICA  
21 RE: INTERCEPTION OF  
22 COMMUNICATIONS

23 CR MISC. Nos. 02-078-TJH;  
24 02-122-TJH;  
25 02-143-TJH;  
26 02-217-TJH;  
27 02-246-TJH;  
28 03-077-TJH;  
29 03-110-TJH; through  
30 03-110 (B) -TJH

31 GOVERNMENT'S EX PARTE APPLICATION  
32 FOR AN ORDER ALLOWING THE DRUG  
33 ENFORCEMENT ADMINISTRATION TO  
34 DESTROY ORIGINAL RECORDINGS  
35 CONTAINING INTERCEPTED  
36 CONVERSATIONS; DECLARATION OF WADE  
37 SHANNON; [PROPOSED] ORDER

38 [UNDER SEAL]

39 Plaintiff United States of America, by and through its counsel  
40 of record, the United States Attorney for the Central District of  
41 California, hereby files this ex parte application for an order  
42 pursuant to 18 U.S.C. § 2518(8)(a) permitting the Drug Enforcement  
43 Administration to destroy original recordings containing  
44 conversations intercepted pursuant to the Court's orders in the above  
45 captioned matters.

RECEIVED  
FEB 28 2019  
U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
FILED

1 In addition, because this application relates to a wiretap  
2 investigation, the government requests that this application and  
3 proposed orders be filed under seal pursuant to the provisions of 18  
4 U.S.C. § 2518(8)(b).

5 Dated: February 26, 2019 Respectfully submitted,

NICOLA T. HANNA  
United States Attorney

LAWRENCE S. MIDDLETON  
Assistant United States Attorney  
Chief, Criminal Division

/s/  
DIANA L. PAULI  
Assistant United States Attorney

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

DECLARATION OF WADE SHANNON

I, Wade Shannon, declare and state:

3       1. I am the Assistant Special Agent In Charge of the Los  
4 Angeles Field Office ("LAFO") of the Drug Enforcement Administration  
5 ("DEA"). I supervise the evidence program including the facilities  
6 where recordings intercepted pursuant to court orders are stored. In  
7 that capacity, I supervise the destruction of wiretap evidence  
8 pursuant to lawful process. I have not personally participated in  
9 the investigation discussed below but have reviewed the documents  
10 associated with the case that still remain and make this declaration  
11 based upon that review.

12       2. In or about 2002 through 2003, the DEA had an investigation  
13 into the drug trafficking activities of Jose Roberto Herran-Ochoa,  
14 among others, and included interception of communications over (323)  
15 371-9216; (323) 687-9111; and (323) 219-3370. This investigation  
16 included court-authorized interceptions obtained in the above  
17 referenced matters.

18       3. The interception of communications resulted in the  
19 collection of eighteen Magneto Optical disks. The recordings were  
20 subsequently sealed in the presence of the Court, with the sealing  
21 verified by either the signature or initials of the Court. The  
22 recordings are still contained in the same packaging in which they  
23 were presented to the Court and the seal is undisturbed.

24       4. The investigation ultimately concluded, and the  
25 aforementioned court authorized recordings have been maintained in  
26 excess of ten years since the respective sealing date. To date, all  
27 judicial action has been completed in the investigation and/or  
28 prosecution. There are no fugitives or outstanding appeals. Other

1 than the intercepted communications, all evidence in this case has  
2 been destroyed by the DEA.

3       5. Given that the case has concluded, the government seeks a  
4 court order, pursuant to 18 U.S.C. § 2518(8)(a), granting permission  
5 to destroy the original recordings containing conversations that were  
6 intercepted during the course of the interception orders mentioned  
7 above. To that end, with this application, the DEA seeks an order  
8 from the court allowing the destruction of the original recordings.

9       I declare under penalty of perjury that the foregoing is true  
10 and correct. Executed on February 5, 2019 at Los Angeles,  
11 California.



12  
13 WADE SHANNON  
14 Assistant Special Agent in Charge  
15 Drug Enforcement Administration  
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